

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
BERNARD R. MESSADO,

Plaintiff,

-against-

NEW YORK CITY LAW DEPT., KEN MAJERUS,
ELIAS MARTINEZ, & MADELYN SANTANA,

Defendants.
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**STIPULATION AND ORDER
OF SETTLEMENT AND
DISCONTINUANCE**

09 Civ. 6904 (RMB)(MHD)

WHEREAS, plaintiff commenced this matter by filing a complaint on or about August 5, 2009; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby discontinued and dismissed, with prejudice, and without costs, expenses, or fees.

2. The City of New York hereby agrees to pay plaintiff the sum of Two Thousand Dollars (\$2,000) in full satisfaction of all claims that were or could have been raised in the above referenced action, including claims for costs, expenses and attorney's fees.

3. In consideration for the payment of the aforementioned sum described in paragraph "2" above, plaintiff agrees to the dismissal with prejudice of any and all rights of

action or claims against the City of New York, the New York City Law Department, Kenneth Majerus, Elias Martinez, and Madelyn Santana, their successors, or assigns, and to release defendants, the New York City Law Department, Kenneth Majerus, Elias Martinez, and Madelyn Santana, and the City of New York, and any present or former officials, employees or agents of the City of New York and the New York City Law Department from any and all claims, liabilities or causes of action which were or could have been asserted by him based on any act, omission, event or occurrence which has happened up to and including the date of the execution of the Stipulation and Order of Settlement and Discontinuance, whether known or unknown including, but not limited to, any and all liability, claims, or rights of action which were or could have been alleged by him in the complaint in this action, including all claims for attorney's fees, costs and expenses.

4. Plaintiff shall execute and deliver to the defendants' attorney all documents necessary to effect this settlement, including, without limitation, a waiver and general release based on the terms of paragraphs "2" and "3" above, and an Affidavit Concerning Liens.

5. Nothing contained herein shall be deemed to be an admission by defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, the City of New York, or the New York City Law Department or any other rules, regulations or bylaws of any department or subdivision of the City of New York or the New York City Law Department. This Stipulation of Settlement and Order of Discontinuance shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

6. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York, or the New York City Law Department.

7. This Stipulation of Settlement and Order of Discontinuance contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this settlement agreement regarding the subject matter of the instant action shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

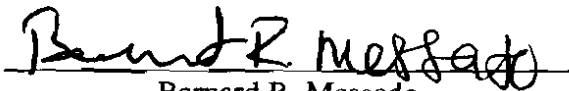
8. This Stipulation may be signed in counterparts.

Dated: New York, New York
March 10, 2010


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Plaintiff *Pro Se*
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By:


Bernard R. Messado

By:


Basil C. Sitaras
Assistant Corporation Counsel

SO ORDERED:



U.S.D.J.



Dated

Conference on 4/20/10 is vacated. The Clerk is respectfully requested to close this case.